

Message Text

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ORIGIN ARA-10

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OES-05 COME-00 INT-05 CIAE-00 DODE-00 NSAE-00 PA-02

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TO AMEMBASSY QUITO PRIORITY

INFO AMCONSUL GUAYAQUIL PRIORITY

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E.O. 11652: N/A

TAGS: PFOR, EC

SUBJECT: ECUADOREAN AIDE MEMOIRES

FOLLOWING ARE AIDE MEMOIRES LEFT FEBRUARY 12, 1975 BY
AMBASSADOR JOSE CARDENAS WITH ACTING SECRETARY INGERSOLL:

AIDE MEMOIRE NO. 1:

QUOTE THE GOVERNMENT OF THE UNITED STATES OF AMERICA IS
AWARE OF THE POSITION OF ECUADOR, INCORPORATED INTO ITS
DOMESTIC LEGISLATION, WITH RESPECT TO THE RIGHT OF
COASTAL STATES TO SET THE BREADTH OF THIER TERRITORIAL
SEA AT A MAXIMUM OF 200 MILES, AND OF THE FACT THAT
IT HAS UNSWERVINGLY AND UNCONDITIONALLY MAINTAINED
THAT POSITION IN THE INTERNATIONAL SPHERE.

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QUOTE AT THE UNITED NATIONS CONFERENCE ON THE LAW OF

THE SEA, ECUADOR HAS REPEATEDLY CONFIRMED ITS POSITION AND HAS SOUGHT TO MAKE THE COUNTRIES OF THE THIRD WORLD AWARE OF THEIR RIGHTS OVER THE RESOURCES OF THE COASTAL SEA, WHICH WILL BE SAFEGUARDED ONLY BY RECOGNITION

OF THE SOVEREIGNTY OF THE COASTAL STATE OVER THE TERRITORIAL SEA IT CLAIMS, IN ACCORDANCE WITH GEOGRAPHICAL, BIOLOGICAL, AND ECOLOGICAL CONDITIONS, WITHIN THE INDICATED MAXIMUM EXTENT. ECUADOR, AS A SOVEREIGN STATE, RESERVES ITS RIGHTS TO SIGN AND RATIFY THE NEW CONVENTION ON THE LAW OF THE SEA, SHOULD IT CONSIDER IT COMPATIBLE WITH ITS INTERESTS.

QUOTE ECUADOR REJECTED THE LAST UNITED STATES PROTEST, AS IT HAD REJECTED ALL THE PRECEDING ONES MOTIVATED BY THE ARREST OF AND IMPOSITION OF PENALTIES ON VESSELS FISHING ILLEGALLY INSIDE ITS TERRITORIAL SEA. ECUADOREAN LAW WHICH, OBVIOUSLY, EXTENDS THROUGHOUT ITS TERRITORY, ADDS TO OTHER PENALTIES THE SEIZURE OF THE CATCH ON BOARD THE FISHING BOATS FOUND ILLEGALLY IN THE WATERS UNDER ITS SOVEREIGNTY. REIMBURSEMENT OF FINES AND PAYMENT OF DUTIES AND TAXES HAVE BEEN ENCOURAGING VIOLATIONS IN DISRESPECT OF ECUADOREAN SOVEREIGNTY. THE GOVERNMENT OF ECUADOR HAS CONSTANTLY EXPRESSED ITS DESIRE FOR AN UNDERSTANDING WITH THE UNITED STATES, SO THAT IT MAY BE COMPREHENDED THAT THE FIXING OF THE TERRITORIAL SEA AT 200 MILES IS ON THE SAME LEVEL AS THE PROCLAMATION OF UNITED STATES SOVEREIGNTY OVER THE PORTION OF THE CONTINENTAL SHELF WHICH CORRESPONDS TO IT, OR OVER VARIOUS JURISDICTIONS ESTABLISHED IN COASTAL WATERS IN ORDER TO ACHIEVE DIVERSE OBJECTIVES DEEMED CONVENIENT TO ITS INTERESTS. THE ECUADOREAN POSITION IS BASED ON THE OBJECTIVE FACT OF THE RIGHT OF ALL STATES TO AVAIL THEMSELVES OF THE RESOURCES OF THE SEA, WHICH HERETOFORE HAS BEEN SOLELY THE PATRIMONY OF THE GREAT POWERS, WHICH ARE THE ONLY ONES THAT HAVE HAD THE MEANS TO EXPLOIT THE RESOURCES OF ALL THE SEAS. THE GOVERNMENT OF ECUADOR CONSIDERS THAT, ONCE THERE IS A SOLUTION TO THE FISHERIES PROBLEM, WHICH FOR YEARS HAS BEEN PRODUCING

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GRAVE TENSION IN THE RELATIONS BETWEEN THE TWO COUNTRIES, AND IF THESE RELATIONS ARE MAINTAINED WITHIN THE LEGAL FRAMEWORK ESTABLISHED BY THE CHARTERS OF THE UNITED NATIONS, THE ORGANIZATION OF AMERICAN STATES, AND THE ECONOMIC RIGHTS AND DUTIES OF STATES, THE ECONOMIC, SPIRITUAL, AND FRIENDLY TIES BORN SPONTANEOUSLY OUT OF THE PRACTICE OF JUSTICE, EQUITY, AND HARMONY, WHICH IS MORE ADMIRABLE IN THE STRONG THAN IN THE WEAK,

WILL BE MULTIPLIED BETWEEN OUR TWO COUNTRIES. END QUOTE

AIDE MEMOIRE NO. 2:

QUOTE THE GOVERNMENT OF ECUADOR REGRETS THE INCIDENT WHICH OCCURRED ON BOARD THE UNITED STATES REGISTERED FISHING BOAT OCEAN QUEEN ON FEBRUARY 10, 1975, AT 8:00 AM, WHEN, THROUGH TOTALLY ACCIDENTAL AND UNFORESEEN CIRCUMSTANCES, A BURST OF EIGHT SHOTS WAS DISCHARGED FROM THE GUN BEING CARRIED BY MIDSHIPMAN OSCAR FISHER OF THE ECUADOREAN NAVY, WHO WAS STATIONED AS SENTRY ABOARD THE SAID VESSEL.

QUOTE THE COMPETENT AUTHORITIES HAVE TAKEN THE NECESSARY MEASURES TO PREVENT INCIDENTS OF THIS COMPLETELY ACCIDENTAL NATURE FROM BEING REPEATED.

QUOTE AT THE SAME TIME, THE GOVERNMENT OF ECUADOR REQUESTS THE COOPERATION OF THE GOVERNMENT OF THE UNITED STATES IN ORDER TO ENSURE THAT THE CREWS OF FISHING BOATS ARRESTED IN ECUADOREAN WATERS FOR ENGAGING IN FISHING ACTIVITIES WITHOUT HAVING PREVIOUSLY OBTAINED THE REGISTRATION AND PERMITS PRESCRIBED BY ECUADOREAN LAW, BEHAVE CORRECTLY AND COOPERATE WITH NATIONAL AUTHORITIES WHOSE DUTY IT IS TO ENFORCE THE PERTINENT LEGAL PROVISIONS. END QUOTE. INGERSOLL

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Margaret P. Grafeld
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